

REMARKS

This Amendment is submitted in reply to the non-final Office Action dated July 3, 2006, issued in connection with the above-identified application. Claims 27-30 are presently pending in the application. With this Amendment, claim 27 has been amended. No new matter has been introduced as a result of this Amendment; thus, favorable reconsideration is requested.

I. Response To Claim Rejections

Claims 27-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Nakashima et al. (U.S. Patent No. 5,930,825, hereafter "Nakashima"). Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nakashima in view of Schoen et al. (U.S. Patent No. 5,592,511, hereafter "Schoen"). The Applicants respectfully traverse the above rejections.

The Applicants have amended independent claim 27 to clarify that the download identification information recorded in the first recording area is used for designating information (e.g., digital data) that is to be *downloaded to the recording medium*. Additionally, the claim has been amended to point out that the second recording area is used for recording digital data identified by the download information; and that the downloading of the digital data occurs if the recording medium is authorized to record the digital data. It is important to note that the information (e.g., digital data) is downloaded from the downloading system to the recording medium when the recording medium is loaded into the downloading system, and the recording medium is authorized to store the information.

In other words, when the recording medium is loaded into a downloading system, the downloading system checks the medium ID and then records, for example, digital data on the recording medium. The type of digital data recorded is based on the download information already stored in the first recording area of the recording medium. The second storage area on the recording medium is used for storing the digital data identified by the download information.

As recited in claim 30, the downloading of information to the recording medium can occur automatically when the recording medium is loaded in the downloading system. The cited prior art fails to disclose, teach, or suggest the above features of the present invention; and all these features are fully supported by the Applicants' disclosure (see, Applicants' Application, page 4, line 1-page 5, line 8).

In the Office Action, the Examiner relies on Nakashima for disclosing all the features recited in independent claim 27. However, claim 27 (as amended) is clearly distinguishable over Nakashima. Nakashima is directed to a method of protecting software from being unlawfully copied by a system using medium ID information. More specifically, if an optical disk (containing software/data) is indicated as an original, the data on the optical disk is executed for downloading from the optical disk to, for example, a PC. However, if the optical disk is indicated as a copy, then a warning or other message is displayed and the copy operation is halted (see, Nakashima, col. 14, line 60 – col. 15, line 43).

Thus, there are at least two primary features of independent claim 27 (as amended) that are clearly distinguishable from Nakashima. First, claim 27 recites that the download information stored on the recording medium is for designating information *to be downloaded to the recording medium*. On the other hand, the medium ID information disclosed in Nakashima is used for identifying data to be downloaded *from the recording medium to a system or PC*. For example, the Abstract of Nakashima clearly states that the disclosed method is for “preventing unauthorized use in a system for reading software/data from a recording medium,” not recording data on or to the recording medium.

Second, claim 27 recites a second recording area for recording digital data identified by the download information, wherein the digital data is downloaded by the recording system if the medium is authorized. In Nakashima, if the optical disk is determined to be an original, the information is again downloaded *from the optical disk to a PC*. Therefore, Nakashima cannot disclose the claimed second recording area for recording digital data identified by download information; that is, because no information is downloaded from the PC to the optical disk.

In the Office Action, the Examiner indicates that the Applicants previously attempted to argued limitations not included in the claims (e.g., automatic downloading of information to the recording medium). However, the Applicants respectfully point out that claim 30 clearly recites this feature. Moreover, Nakashima fails to disclose the downloading of data to the optical disk, let alone downloading of data that is automatic.

After a detailed review of Schoen, the reference does not overcome the deficiencies noted above in Nakashima. Therefore, even if one of ordinary skill in the art were to combine the

teachings of Nakashiima and Scheon, the combination still would not teach or suggest all the features recited in at least claim 27 (as amended).

Independent claim 27 is distinguishable over the cited prior art for at least the reasons noted above. Likewise, dependent claims 28-30 are also distinguishable over the cited prior based on their dependency on independent claim 27. Finally, claim 30 is also distinguishable over the cited prior art based on its own merit, for at least the reasons noted above.


II. Conclusion

In light of the above, the Applicants respectfully submit that claims 27-30 are in condition for allowance; thus, a timely Notice of Allowance is respectfully requested. The Director is authorized to charge and credit Deposit Account No. 02-1818 for any additional fees associated with the submission of this Amendment, including any time extension fees. Please reference docket number 112857-250.

Respectfully submitted,

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